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6 IN THE UNITED STATES DISTRICT COURT
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 R. ALEXANDER ACOSTA, Secretary of
11 Labor, United States Department of Labor,

No. C 15-02776 WHA

12 Plaintiff,

13 v.

14 TLC RESIDENTIAL, INC., and
15 FRANCISCO MONTERO,

16 Defendants.
17 _____/

**ORDER RE ADMINISTRATIVE
MOTIONS TO FILE UNDER
SEAL**

18 In connection with an *ex parte* application to show cause why defendant Francisco
19 Montero should not be held in contempt of orders prohibiting retaliation of witnesses, both
20 sides filed administrative motions to file under seal.

21 Our analysis begins with a “strong presumption” in favor of access to court records.
22 *Foltz v. State Farm Mutual Automobile Insurance Company*, 331 F.3d 1122, 1135 (9th Cir.
23 2003). For non-dispositive motions, the “good cause” standard applies and there must be a
24 “particularized showing” that specific harm or prejudice will result if the information is
25 disclosed. *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1179–80 (9th Cir. 2006).

26 The Secretary moves to file under seal portions of his application as well as the
27 witness’s declaration and most exhibits — Exhibits A–E and G–L — in whole on the basis that
28 such documents “contain (1) scurrilous material that the Secretary contends is being used to
retaliate against a witness and/or (2) material tending to identify that witness” (Pilotin Decl. ¶¶

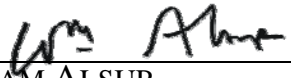
1 3–5). Good cause is shown for sealing the aforementioned information. The Secretary’s
2 blanket request to file under seal the exhibits, however, is overbroad. For example, the
3 Secretary seeks to seal substantial swaths of emails wholly unrelated to the witness. As such,
4 the Secretary’s motion is **GRANTED IN PART** and **DENIED IN PART**. The Secretary may file
5 under seal only portions of the exhibits that refer specifically (directly or indirectly) to the
6 witness and the alleged acts at issue.

7 Montero moves to file under seal limited portions of his response to the order to show
8 cause, his declaration, and Pamela Davis’s declaration (Dkt. No. 382). The information
9 Montero seeks to redact is narrowly tailored to the witness’s identity and the alleged acts at
10 issue. Good cause having been shown, Montero’s motion is **GRANTED**.

11 Both parties shall file redacted versions of the aforementioned documents that fully
12 comport with this order by **OCTOBER 26 AT NOON**.

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14 **IT IS SO ORDERED.**

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16 Dated: October 17, 2018.

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19 WILLIAM ALSUP
20 UNITED STATES DISTRICT JUDGE
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